

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1353-03
Bill No.: HB 883
Subject: Property, Real and Personal: Crimes and Punishment
Type: Original
Date: March 13, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials of the **State Public Defender** and the **Office of Prosecution Services** stated that they would expect Public Defenders and Prosecutors to be able to accomplish additional duties assigned by this proposal with existing resources.

Officials from the **Department of Corrections (DOC)** have noted in response to other proposals which create class A misdemeanors (or raise offenses to class A misdemeanors) stated that they could not predict the number of new commitments which could result from the creation of the offenses outlined. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs through supervision provided by the Board of Probation and Parole (average \$3.50 per offender, per day). Supervision by the DOC through probation or incarceration would result in some additional costs, but DOC officials assume that the impact would be minimal and absorbable within current resources.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal would redefine the crime of trespass. A person would be guilty of trespass by entering unlawfully or knowingly remaining unlawfully in or on property. Trespass would be a class A misdemeanor. Current law defines trespass in the first degree as a class B misdemeanor and trespass in the second degree as an infraction.

The proposal would also allow persons convicted of trespass to be held liable for damages in
DESCRIPTION (continued)

civil actions by owners of trespassed upon property and would relieve property owners of any liability for harm suffered by convicted trespassers.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. The proposal would not affect Total State Revenue.

SOURCES OF INFORMATION

Department of Corrections
State Public Defender
Office of Prosecution Services

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "Jarrett".

Jeanne Jarrett, CPA
Director
March 13, 2001